

***United States Court of Appeals
for the
District of Columbia Circuit***



**TRANSCRIPT OF
RECORD**

TRANSCRIPT OF RECORD.

Court of Appeals of the District of Columbia

OCTOBER TERM, 1919.

No. 3270.

572

No. , SPECIAL CALENDAR.

DISTRICT OF COLUMBIA, PLAINTIFF IN ERROR,

vs.

SVEND AAGE AARSLEFF.

IN ERROR TO THE POLICE COURT OF THE DISTRICT OF COLUMBIA.

FILED APRIL 25, 1919.

PRINTED MAY 21, 1919.

Court of Appeals of the District of Columbia

OCTOBER TERM, 1919.

No. 3270.

No. , SPECIAL CALENDAR.

DISTRICT OF COLUMBIA, PLAINTIFF IN ERROR,
vs.
SVEND AAGE AARSLEFF.

IN ERROR TO THE POLICE COURT OF THE DISTRICT OF COLUMBIA.

INDEX.

	Original.	Print.
Information	1	1
Order quashing information.....	3	2
Assignment of errors.....	4	2
Bill of exceptions.....	5	3
Designation of record.....	7	4
Docket entries	8	4
Writ of error.....	9	5
Certificate of clerk.....	10	5

Court of Appeals of the District of Columbia.

No. 3270.

DISTRICT OF COLUMBIA, Plaintiff in Error,

vs.

SVEND AAGE AARSLEFF.

1 In the Police Court of the District of Columbia, April 5th
Term, 1919.

No. 568,052.

DISTRICT OF COLUMBIA

vs.

SVEND AAGE AARSLEFF.

Information for Violation Act of Congress, July 1st, 1902.

Be it remembered, That in the Police Court of the District of Columbia, at the City of Washington, in the said District, at the times hereinafter mentioned, the following papers were filed and proceedings had in the above entitled cause, to wit:

2 (Copy.)

In the Police Court of the District of Columbia, March Term,
A. D. 1919.

THE DISTRICT OF COLUMBIA, ss:

Conrad H. Syme, Esq., Corporation Counsel, by Ringgold Hart, Assistant Corporation Counsel, who for the District of Columbia prosecutes in this behalf in his proper person, comes here into Court, and causes the Court to be informed, and complains that Svend Aage Aarsleff, late of the District of Columbia aforesaid, on the 3rd day of March, in the year A. D. nineteen hundred and nineteen in the District of Columbia, aforesaid, on 12th Street, northwest, did then and there place and exhibit a certain advertisement otherwise than on land, houses, buildings, billboards, fences and structures authorized in writing for that purpose by the Commissioners of the District of Columbia, to wit: did carry a certain advertisement back and forth on the sidewalk on said street, between E Street and Pennsylvania Avenue, Northwest, said advertisement being then and there sus-

pendent from the shoulders of the aforesaid Svend Aage Aarsleff and worded as follows: "The colored waiters union repudiates the scabs at the Raleigh. What about you? A colored scab has taken my place. The Raleigh Hotel has locked me out. Do not patronize it." contrary to and in violation of an Act of Congress, approved July 1st, 1902, in such case made and provided, and constituting a law of the District of Columbia.

CONRAD H. SYME,
Corporation Counsel,
By RINGGOLD HART,
Assistant Corporation Counsel.

Personally appeared Thomas J. O'Reilly, this 5th day of March, A. D. 1919 and made oath before me that the facts set forth in the foregoing information are true, and those stated upon information received he believes to be true.

R. G. GOTT,
Deputy Clerk, Police Court of the District of Columbia.

3 In the Police Court of the District of Columbia.

Information No. 568,052.

DISTRICT OF COLUMBIA

vs.

SVEND AAGE AARSLEFF.

Order of Court Quashing Information.

April 5, 1919.

This cause being called on its own motion the Court orders this information quashed. Corporation Counsel objects and excepts and gives notice of applying to the Court of Appeals for writ of error.

4 In the Police Court of the District of Columbia.

Information No. 568,052.

DISTRICT OF COLUMBIA

vs.

SVEND AAGE AARSLEFF.

Assignment of Error.

The District of Columbia assigns the following as error committed by the Judge of the Police Court in the above entitled case.

1. The Judge of the Police Court erred in quashing the information herein.

2. The Judge of the Police Court erred in holding as matter of law that the facts set forth in said information constitute no violation of the provisions of the Act of Congress approved July 1st, 1902.

3. The Judge of the Police Court erred in holding as matter of law that the facts set forth in said information do not make out a prima facie case against the defendant therein.

CONRAD H. SYME,
P. H. MARSHALL,
Attorneys for the District of Columbia.

5 In the Police Court of the District of Columbia.

Information No. 568,052.

DISTRICT OF COLUMBIA

VS.

SVEND AAGE AARSLEFF.

Bill of Exceptions.

Be it remembered that in the above entitled cause the defendant, Svend Aage Aarsleff, on the 5th day of April, 1919, appeared in said Court before the Honorable Robert Hardison, one of the Judges of said Court.

Thereupon counsel for the District of Columbia stated in open court to said Judge, who was then and there presiding therein, that the acts and things which the defendant was charged in said information to constitute a violation of Paragraph 29 of the Act of Congress of July 1st, 1902, were identical in nature and kind with the acts and things which one John K. Lynch was charged with having committed at another time in and by a previous information presented to the Court and which information contained a citation of all acts and things relied upon by the District of Columbia as constituting a violation of the aforesaid Act of Congress and which, by agreement of counsel for the aforesaid defendant and counsel for the District of Columbia, the Court accepted as an agreed statement of facts, and thereupon declared the said John K. Lynch not guilty and discharged him, and that the rights and questions involved in said former information and determined therein were the identical rights and questions now sought to be put in issue by the present information, and every matter and question of fact and law that was considered and determined in said former case would be involved in trial of the defendant under the present information, excepting only that the acts charged in the present information were subsequent

6 in point of time to those involved in said former trial.

Thereupon the Court then and there quashed said information and discharged said defendant upon the ground that as a matter of law, the facts set forth in the information in this cause did not constitute a violation of said Act of Congress.

To which ruling of the Court in quashing said information — for the District of Columbia then and there excepted and then and there in open court caused to be made a note of his intention to apply to a Justice of the Court of Appeals of the District of Columbia for a writ of error; and said exception was duly allowed and noted by the Court.

The District of Columbia, by its counsel, therefore, prays the Court to settle, sign and seal this, its bill of exceptions, and make the same a part of the record ther-in, so that the matters aforesaid may be reviewed on appeal, which is accordingly done, now for then, this 8th day of April, 1919.

ROBERT HARDISON, [SEAL.]
Judge of the Police Court of the District of Columbia.

7 In the Police Court of the District of Columbia.

Information No. 568,052.

DISTRICT OF COLUMBIA

VS.

SVEND AAGE AARSLEFF.

To the Clerk of the Police Court, D. C.:

You will please prepare transcript of record for the Court of Appeals in the above entitled cause to include the following:

1. The information.
2. Memo. of quashing of information by the Court.
3. The assignment of error.
4. Bill of exceptions.
5. This designation.
6. Docket entries.

CONRAD H. SYME,
P. H. MARSHALL,
Attorneys for the District of Columbia.

8 In the Police Court of the District of Columbia.

Information No. 568,052.

DISTRICT OF COLUMBIA

VS.

SVEND AAGE AARSLEFF.

Docket Entries.

April 5, 1919.—This cause being called on its own motion the Court orders this information quashed. Corporation Counsel objects

and excepts and gives notice of applying to the Court of Appeals for writ of error.

April 8, 1919.--Bill of Exception presented, settled, signed, sealed and filed.

April 12, 1919.—Writ of error received from Court of Appeals of the District of Columbia.

9 UNITED STATES OF AMERICA, ss:

The President of the United States to the Honorable Robert Hardison, Judge of the Police Court of the District of Columbia, Greeting:

Because in the record and proceedings, as also in the rendition of the judgment of a plea which is in the said Police Court, before you, between District of Columbia, plaintiff, and Svend Aage Aarsleff, defendant, a manifest error hath happened, to the great damage of the said plaintiff as by its complaint appears. We being willing that error, if any hath been, should be duly corrected, and full and speedy justice done to the parties aforesaid in this behalf, do command you, if judgment be therein given, that then, under your seal, distinctly and openly, you send the record and proceedings aforesaid, with all things concerning the same, to the Court of Appeals of the District of Columbia, together with this writ, so that you have the same in the said Court of Appeals, at Washington, within 15 days from the date hereof, that the record and proceedings aforesaid being inspected, the said Court of Appeals may cause further to be done therein to correct that error, what of right and according to the laws and customs of the United States should be done.

Witness the Honorable Constantine J. Smyth, Chief Justice of the said Court of Appeals, the 11th day of April, in the year of our Lord one thousand nine hundred and nineteen.

[Seal Court of Appeals, District of Columbia.]

HENRY W. HODGES,

Clerk of the Court of Appeals of the District of Columbia.

Allowed by

CONSTANTINE J. SMYTH,

Chief Justice of the Court of Appeals

of the District of Columbia.

10 In the Police Court of the District of Columbia.

UNITED STATES OF AMERICA,
District of Columbia, ss:

I, Campbell Howard, Acting Clerk of the Police Court of the District of Columbia, do hereby certify that the foregoing pages, numbered from 1 to 10 inclusive, to be true copies of originals in cause No. 568,052 wherein the District of Columbia is plaintiff and Svend

Aage Aarsleff defendant, as the same remain upon the files and records of said Court.

In testimony whereof I hereunto subscribe my name and affix the seal of said Court, the City of Washington, in said District, this 24th day April, A. D. 1919.

CAMPBELL HOWARD,
Acting Clerk, Police Court, Dist. of Columbia.

Endorsed on cover: District of Columbia Police Court. No. 3270.
District of Columbia, plaintiff in error, vs. Svend Aage Aarsleff.
Court of Appeals, District of Columbia. Filed Apr. 25, 1919.
Henry W. Hodges, clerk.

